UNITED STATES PATENT AND TRADEMARK OFFICE

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MICROSOFT CORPORATION
ONE MICROSOFT WAY
REDMOND, WA 98052-6399

EXAMINER
PARRY, CHRISTOPHER L

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NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ntovar@microsoft.com
p5docket@microsoft.com

	Application No.	Applicant(s)
Office Action Summary	09/903,973	SCHRADER ET AL.
	Examiner	Art Unit	
	CHRIS PARRY	2421	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>11 August 2010</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>7-9,11-13,16-18,29,41 and 42</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>7-9,11-13,16-18,29,41 and 42</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments with respect to claims 7-9, 11-13, 16-18, 29, 41, and 42

have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 7, 8, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Matthews, III et al. "Matthews" (USPN 6,025,837) in view of Knudson et al.

"Knudson" (USPN 6,536,041 B1) [cited by applicant on 05/04/09] further in view of

Boyer et al. "Boyer" (USPN 6,268,849 B1) [cited by applicant on 05/03/07] and further in

view of Schliesmann et al. "Schliesmann" (US 2004/0205698 A1).

        Regarding Claim 7, Matthews discloses a method for presenting enhanced

broadcast television programming (Col. 2, lines 27-65) comprising the steps of:

        receiving a schedule for a plurality of broadcast television listings (i.e., EPG

server 44 provides program information to user interface unit 62 via network 74; Col. 6,

lines 59-64), each of the plurality of television listings including a unique identifier (i.e., a

title) (Col. 7, lines 1-4 and Col. 8, lines 4-14);

   receiving enhanced Internet Protocol (IP) data (i.e., supplemental content, such as web pages, that correspond to programs are stored at ISP host 84 and transmitted via network 82 to user interface unit 62; Col. 8, lines 1-16) that is not provided in a same communications channel as the schedule for the plurality of broadcast television listings (i.e., program information 46 is provided on a first channel via network 74 and supplemental content, such as web pages, is provided on a second channel via network 82 wherein data structure 48 includes data field 58 which indicates an associated program is interactive and supplemental content, such as a web page or "IP data", can be displayed that corresponds with the program) (Col. 7, lines 22-30; Col. 7, line 54 to Col. 8, line 35; & Col. 10, lines 30-35);

   presenting a visual cue (140 – fig. 5) to the viewer based on the IP data on a video display (i.e., hyperlink 140 is displayed within EPG 110) (Col. 9, line 56 to Col. 10, line 19);

   receiving a viewer selection of the visual cue (Col. 10, lines 20-35); and

   tuning to a web page (i.e., via modem 100) associated with the event identifier in response to viewer selection of the visual cue (i.e., content associated with hyperlink 140 is retrieved over a separate network, such as the Internet, and supplied to user interface unit 62) (Col. 10, lines 30-35).

   Matthews discloses receiving IP data on a different communications channel than the broadcast television listings, however Matthews fails to disclose the IP data including an event identifier associating the data with one of the plurality of television listings; wherein the visual cue comprises an active status indicator indicating a status

of one or more currently available broadcast television programs, wherein the status
indicates in real-time whether the one or more currently available broadcast television
programs is currently active or inactive; and tuning to a channel associated with the
event identifier in response to viewer selection of the visual cue.

In an analogous art, Knudson discloses a method for presenting enhanced
broadcast television programming (figure 1; Col. 5, line 53 to Col. 6, line 25) comprising
the steps of:

receiving a schedule for a plurality of broadcast television listings (i.e., main
facility 22 provides program listings to television distribution facility 26 which distributes
program listings to user equipment 48), each of the plurality of television listings
including a unique event identifier (i.e., main facility 22 comprises a first key generator
156 which associates a generated unique key with each program listing; see figs. 9-10)
(Col. 5, lines 28-41; Col. 6, lines 11-18; & Col. 11, line 54 to Col. 12, line 20);

receiving enhanced data (i.e., real-time data feeds from real-time data sources
30), the data including an event identifier associating the data with one of the plurality of
television listings (i.e., real-time data sources 30 comprises a second key generator 156
which creates a unique key for the real-time data associated with a live event that will
match the unique key for the same live event created by main facility 22; see figs. 9-10),
wherein the data corresponds to broadcast television programming currently available
to a viewer (Col. 5, line 53 to Col. 6, line 30 & Col. 11, line 54 to Col. 12, line 37);

presenting a visual cue (i.e., television icon 187 displayed within controllable
ticker 186; see fig 13) to the viewer based on the data on a video display (58 – fig. 1)

(i.e., when a user requests display of the controllable ticker 186, television icon 187 is displayed based on data received from real-time data sources 30), wherein the visual cue [187] comprises an active status indicator indicating a status of one or more currently available broadcast television programs (i.e., if icon 187 is present in ticker 186, the program is in active status), wherein the active status indicates in real-time whether the one or more currently available broadcast television programs is currently active or inactive (i.e., icon 187 indicates to the user whether the sporting event is available to be viewed by the user) (figure 13; Col. 13, line 49 to Col. 14, line 27);

receiving a viewer selection of the visual cue (i.e., the viewer can select icon 187 using remote control 60; Col. 7, lines 48-63); and tuning to a channel associated with the event identifier in response to viewer selection of the visual cue (i.e., in response to selection of icon 187, set-top box 52 tunes to the requested channel associated with the event and displays the tuned channel on television 58) (figure 13; Col. 14, lines 14-27).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Matthews to include the IP data including an event identifier associating the data with one of the plurality of television listings; wherein the visual cue comprises an active status indicator indicating a status of one or more currently available broadcast television programs, wherein the status indicates in real-time whether the one or more currently available broadcast television programs is currently active or inactive; and tuning to a channel associated with the event identifier in response to viewer selection of the visual cue as taught by Knudson for the benefit of providing a program guide system in which unique keys may be generated to facilitate

the matching of real-time data entries and the program listings with which they are
associated (Knudson: Col. 1, lines 55-58).

The combination of Matthews and Knudson disclose displaying television icon
187 to the viewer wherein the television icon 187 comprises an active status indicator
indicating a status of one or more currently available broadcast television programs,
however fail to disclose wherein the IP data comprises real-time event data relating to
an active status of one or more currently available broadcast television programs.

In an analogous art, Boyer discloses receiving enhanced Internet protocol (IP)
data (i.e., real-time data from processing facilities 50 transmitted to clients over Internet
60), the IP data including an event identifier associating the data with one of the plurality
of television listings (i.e., transmission server 16 receives real-time data and matches
the received real-time data with a program listing for an event in progress), wherein the
IP data comprises real-time event data relating to an active status of one or more
currently available broadcast television programs available to a viewer (i.e.,
transmission server 16 receives real-time data such as the score in a basketball game
being played and is being televised, the current score of the game is embedded within
the row of text of the corresponding television program listing) (Col. 4, line 44 to Col. 5,
line 11; Col. 9, lines 4-13; & Col. 10, lines 1-10). Therefore, it would have been obvious
to one of ordinary skill in the art at the time the invention was made to modify Matthews
and Knudson to include wherein the IP data comprises real-time event data relating to
an active status of one or more currently available broadcast television programs as
taught by Boyer for the benefit of providing real-time data about an event in progress

from a web server to a user's multimedia system over an Internet communications link
(Boyer: Col. 2, lines 13-17).

The combination of Matthews, Knudson, and Boyer disclose receiving enhanced
IP data including an event identifier, however the combination fails to specifically
disclose wherein the enhanced IP data is an event-based Extensible Markup Language
representation.

In an analogous art, Schliesmann discloses a feed processing system 22
receiving data feeds 24 in an XML format (¶ 0026). Schliesmann further discloses event
to program mapping logic 26 generates event messages or "customized markup tags"
that defines an event occurring within a program using text by meaning and not by
layout and transmits the created event message to CPE 30 (¶ 0037 and 0043).
Schliesmann discloses the known technique of transmitting content-based event data to
a plurality of client devices as XML representations for the purposes of notifying users of
events occurring within live programming, for example notifying the user that the Bears
have entered the red zone during the Bears vs. Packers game (¶ 0037). Therefore, it
would have been obvious to one of ordinary skill in the art at the time the invention was
made to modify Matthews, Knudson, and Boyer to include wherein the enhanced IP
data is an event-based Extensible Markup Language representation as taught by
Schliesmann for the benefit of applying a known technique to a known method ready for
improvement to yield predictable results of notifying users of specific content-based
events occurring on other programs (Schliesmann: ¶ 0005).

As for Claim 8, Matthews, Knudson, Boyer, and Schliesmann disclose, in particular Knudson teaches wherein the video display [58] is a conventional television receiver (Col. 7, lines 48-63).

As for Claim 41, Matthews, Knudson, Boyer, and Schliesmann disclose, in particular Matthews teaches connecting to a web site related to the viewer selection of the one or more currently available broadcast television programs (Col. 10, lines 2-35); and providing additional data to the viewer retrieved from the web site (i.e., hyperlinks are provided to the viewer to facilitate providing additional material to supplement the program) (Col. 10, lines 2-35 and Col. 8, lines 6-20).

4.   Claims 16, 17, and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marler et al. "Marler" (USPN 7,559,073 B2) in view of Knudson further in view of Boyer and further in view of Schliesmann.

Regarding Claim 16, Marler discloses a client system (16 – fig. 2) for receiving a broadcast television navigation service (Col. 2, lines 27-62) comprising:

means for (114 – fig. 2) receiving broadcast television programming (Col. 5, lines 3-10);

means for (116 – fig. 2) receiving Internet Protocol (IP) data (i.e., IP multicast enhancement data) that is not provided in a program band of the broadcast television programming (i.e., IP multicast enhancement data associated with multiple broadcast channels is transmitted separately from the broadcast channels on a secondary link 20;

Col. 3, line 63 to Col. 4, line 14), wherein the IP data corresponds to broadcast

television programming currently available to a viewer (Col. 5, lines 3-21; Col. 3, line 63

to Col. 4, line 16; & Col. 2, lines 48-62); and

  means for (SA process 136 – fig. 2) linking the broadcast television programming

with the Internet protocol data (Col. 5, lines 3-37);

  means for (30 – fig. 3) presenting a visual cue (32 - fig. 3) to a viewer based on

the IP data on a display (Col. 5, lines 38-60); and

  means for (i.e., pointing device) receiving a viewer selection of the visual cure

(i.e., a user may select icon 32 using a mouse to click on the icon) (Col. 5, lines 52-60).

  Marler discloses receiving IP data on a different communications channel than

the broadcast television programming, however Marler fails to disclose wherein the

visual cue comprises an active status indicator indicating a status of one or more

currently available broadcast television programs, wherein the status indicates in real-

time whether the one or more currently available broadcast television programs is

currently active or inactive; and means for tuning to a channel associated with the IP

data in response to viewer selection of the visual cue.

  In an analogous art, Knudson discloses a client system (48 – fig. 1) for receiving

a broadcast television navigation service (Col. 5, line 53 to Col. 6, line 25) comprising:

  means for receiving broadcast television programming (i.e., a tuner internal to

STB 52 – fig. 1; Col. 5, lines 28-41; Col. 6, lines 11-18; & Col. 7, lines 1-27);

means for receiving data (i.e., real-time data feeds from real-time data sources 30), wherein the data corresponds to broadcast television programming currently available to a viewer (Col. 5, line 53 to Col. 6, line 30);

means for linking the broadcast television programming with the data (i.e., the program guide in STB 52 associates program listings of broadcast television programming with received real-time data by matching unique keys that were generated for each set of data) (figs. 9-10; Col. 11, line 44 to Col. 12, line 49);

means for presenting a visual cue (i.e., television icon 187 displayed within controllable ticker 186; see fig 13) to a viewer based on the data on a display (58 – fig. 1) (i.e., when a user requests display of the controllable ticker 186, television icon 187 is displayed based on data received from real-time data sources 30), wherein the visual cue [187] comprises an active status indicator indicating an active status of one or more currently available broadcast television programs (i.e., if icon 187 is present in ticker 186, the program is in active status), wherein the status indicates in real-time whether the one or more currently available broadcast television programs is currently active or inactive (i.e., icon 187 indicates to the user whether the sporting event is available to be viewed by the viewer) (figure 13; Col. 13, line 49 to Col. 14, line 27);

means for receiving a viewer selection of the visual cue (i.e., the viewer can select icon 187, using remote control 60, such that the command is received by STB 52; Col. 7, lines 48-63 & Col. 8, lines 20-38); and means for tuning to a channel associated with the IP data in response to viewer selection of the visual cue (i.e., in response to

selection of icon 187, set-top box 52 tunes to the requested channel associated with the event and displays the tuned channel on television 58) (figure 13; Col. 14, lines 14-27).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Marler to include wherein the visual cue comprises an active status indicator indicating a status of one or more currently available broadcast television programs, wherein the status indicates in real-time whether the one or more currently available broadcast television programs is currently active or inactive; and tuning to a channel associated with the event identifier in response to viewer selection of the visual cue as taught by Knudson for the benefit of displaying a controllable ticker containing real-time information on the user's display screen on top of a television program (Knudson: Col. 1, lines 55-58).

The combination of Marler and Knudson disclose displaying television icon 187 to the viewer wherein the television icon 187 comprises an active status indicator indicating a status of one or more currently available broadcast television programs, however fail to disclose wherein the IP data comprises real-time event data relating to an active status of one or more currently available broadcast television programs.

In an analogous art, Boyer discloses means for receiving Internet protocol (IP) data (i.e., real-time data from processing facilities 50 transmitted to clients over Internet 60), wherein the IP data comprises real-time event data relating to an active status of one or more currently available broadcast television programs (i.e., transmission server 16 receives real-time data such as the score in a basketball game being played and is being televised, the current score of the game is embedded within the row of text of the

corresponding television program listing) (Col. 4, line 44 to Col. 5, line 11; Col. 9, lines 4-13; & Col. 10, lines 1-10). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Matthews and Knudson to include wherein the IP data comprises real-time event data relating to an active status of one or more currently available broadcast television programs as taught by Boyer for the benefit of providing real-time data about an event in progress from a web server to a user's multimedia system over an Internet communications link (Boyer: Col. 2, lines 13-17).

The combination of Marler, Knudson, and Boyer disclose receiving IP data, wherein the IP data corresponds to television broadcast programming, however the combination fails to specifically disclose wherein the IP data is an event-based Extensible Markup Language representation.

In an analogous art, Schliesmann discloses a feed processing system 22 receiving data feeds 24 in an XML format (¶ 0026). Schliesmann further discloses event to program mapping logic 26 generates event messages or "customized markup tags" that defines an event occurring within a program using text by meaning and not by layout and transmits the created event message to CPE 30 (¶ 0037 and 0043). Schliesmann discloses the known technique of transmitting content-based event data to a plurality of client devices as XML representations for the purposes of notifying users of events occurring within live programming, for example notifying the user that the Bears have entered the red zone during the Bears vs. Packers game (¶ 0037). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was

made to modify Marler, Knudson, and Boyer to include wherein the IP data is an event-based Extensible Markup Language representation as taught by Schliesmann for the benefit of applying a known technique to a known method ready for improvement to yield predictable results of notifying users of specific content-based events occurring on other programs (Schliesmann: ¶ 0005).

As for Claim 17, Marler, Knudson, Boyer, and Schliesmann disclose, in particular Marler teaches wherein said means for receiving broadcast television programming and means for receiving Internet protocol data comprises multiple digital tuners (i.e., receiver circuit 114 and transceiver 116) (fig. 2; Col. 5, lines 3-12).

As for Claim 42, Marler, Knudson, Boyer, and Schliesmann disclose, in particular Marler teaches connecting to a web site related to the viewer selection of the one or more currently available broadcast television programs (Col. 5, lines 38-45; Col. 6, lines 12-18; & Col. 6, line 52 to Col. 7, line 2); and providing additional data to the viewer retrieved from the web site (i.e., web pages are provided to the viewer to facilitate providing additional information to supplement the program) (Col. 5, lines 38-60).

5.   Claims 9 and 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matthews in view of Knudson further in view of Boyer and further in view of Schliesmann as applied to claim 7 above, and further in view of Stimmel et al. "Stimmel" (USPN 6,421,358 B1).

As for Claim 9, Matthews, Knudson, Boyer, and Schliesmann fail to disclose wherein the Internet protocol data comprises a portion of the available television programming.

In an analogous art, Stimmel discloses wherein the Internet protocol data comprises a portion of the available television programming (Col. 3, lines 13-48). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Matthews, Knudson, Boyer, and Schliesmann to include wherein the Internet protocol data comprises a portion of the available television programming as taught by Stimmel for the benefit of provide live event data to the audience to facilitate enhancing the broadcast experience (Stimmel: Col. 1, lines 15-53).

As for Claim 11, Matthews, Knudson, Boyer, Schliesmann, and Stimmel disclose wherein the Internet protocol data portion is filtered to correspond to currently available sports television programming (Knudson: fig. 6; Col. 10, line 43 to Col. 11, line 6 & Col. 11, lines 18-39).

As for Claim 12, Matthews, Knudson, Boyer, Schliesmann, and Stimmel disclose wherein the Internet protocol data portion is filtered to correspond to other sports television programming currently in progress (Knudson: fig. 6; Col. 10, line 43 to Col. 11, line 6 & Col. 11, lines 18-39).

As for Claim 13, Matthews, Knudson, Boyer, Schliesmann, and Stimmel disclose wherein the portion corresponding to the available television programming is the same as the event identifier corresponding to the IP data (Knudson: Col. 11, line 44 to Col. 12, line 56).

6.   Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Marler in view of Knudson further in view of Boyer and further in view of Schliesmann as applied to claim 16 above, and further in view of Carpenter et al. "Carpenter" (US 2008/0282294 A1).

As for Claim 18, Marler, Knudson, Boyer, and Schliesmann disclose, in particular Knudson teaches the user of a videocassette recorder 54 to record programs for the viewer, however is silent on disclosing a digital video recording apparatus disposed to record one or more of the received broadcast television programming.

In an analogous art, Carpenter discloses a digital video recording apparatus disposed to record one or more of the received broadcast television programming (¶ 0071-0072). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Marler, Knudson, Boyer, and Schliesmann to include a digital video recording apparatus disposed to record one or more of the received broadcast television programming as taught by Carpenter for the benefit of providing enhanced features and applications for a set-top box based environment (Carpenter: ¶ 0006).

7.   Claim 29 rejected under 35 U.S.C. 103(a) as being unpatentable over Matthews

in view of Knudson further in view of Boyer further in view of De Saint Marc et al. "De

Saint Marc" (USPN 6,839,901 B1) and further in view of Schliesmann.

        Regarding Claim 29, Matthews discloses a method for delivering enhanced

broadcast television programming data (Col. 2, lines 27-65) comprising the steps of:

        receiving a schedule for a plurality of broadcast television listings (i.e., EPG

server 44 provides program information to user interface unit 62 via network 74; Col. 6,

lines 59-64), each of the plurality of television listings including a unique identifier (i.e., a

title) (Col. 7, lines 1-4 and Col. 8, lines 4-14);

        receiving enhanced Internet Protocol (IP) data (i.e., supplemental content, such

as web pages, that correspond to programs are stored at ISP host 84 and transmitted

via network 82 to user interface unit 62; Col. 8, lines 1-16) that is not provided in a same

communications channel as the schedule for the plurality of broadcast television listings

(i.e., program information 46 is provided on a first channel via network 74 and

supplemental content, such as web pages, is provided on a second channel via network

82; Col. 10, lines 30-35), wherein the IP data corresponds to broadcast television

programming currently available to a user (i.e., data structure 48 includes data field 58

which indicates an associated program is interactive and supplemental content, such as

a web page or "IP data", can be displayed that corresponds with the program) (Col. 7,

lines 22-30; Col. 7, line 54 to Col. 8, line 35; and Col. 10, lines 30-35);

presenting a visual cue (140 – fig. 5) to the user based on the IP data on a

display device (66 – fig. 3) (i.e., hyperlink 140 is displayed within EPG 110) (Col. 9, line

56 to Col. 10, line 19);

receiving a viewer selection of the visual cue (Col. 10, lines 20-35); and

tuning to a web page (i.e., via modem 100) associated with the event identifier in

response to user selection of the visual cue (i.e., content associated with hyperlink 140

is retrieved over a separate network, such as the Internet, and supplied to user interface

unit 62) (Col. 10, lines 30-35).

Matthews discloses receiving IP data on a different communications channel

than the broadcast television listings, however Matthews fails to disclose the IP data

including an event identifier associating the IP data with one of the plurality of television

listings and tuning to a channel associated with the event identifier in response to user

selection of the visual cue.

In an analogous art, Knudson discloses a method for delivering enhanced

broadcast television programming data (figure 1; Col. 5, line 53 to Col. 6, line 25)

comprising the steps of:

receiving a schedule for a plurality of broadcast television listings (i.e., main

facility 22 provides program listings to television distribution facility 26 which distributes

program listings to user equipment 48), each of the plurality of television listings

including a unique event identifier (i.e., main facility 22 comprises a first key generator

156 which associates a generated unique key with each program listing; see figs. 9-10)

(Col. 5, lines 28-41; Col. 6, lines 11-18; & Col. 11, line 54 to Col. 12, line 20);

receiving enhanced data (i.e., real-time data feeds from real-time data sources 30) the data including an event identifier associating the data with one of the plurality of television listings (i.e., real-time data sources 30 comprises a second key generator 156 which creates a unique key for the real-time data associated with a live event that will match the unique key for the same live event created by main facility 22; see figs. 9-10), wherein the data corresponds to broadcast television programming currently available to a user (Col. 5, line 53 to Col. 6, line 30 & Col. 11, line 54 to Col. 12, line 37);

presenting a visual cue (i.e., television icon 187 displayed within controllable ticker 186; see fig 13) to the user based on the data on a display device (58 – fig. 1) (i.e., when a user requests display of the controllable ticker 186, television icon 187 is displayed based on data received from real-time data sources 30), wherein the visual cue comprises a real-time event data that is occurring in one or more currently available broadcast television programs (i.e., ticker 186 displays the status of the event, such as the score and time-remaining) (figure 13; Col. 13, line 49 to Col. 14, line 27);

receiving a user selection of the visual cue (i.e., the viewer can select icon 187 using remote control 60; Col. 7, lines 48-63); and tuning to a channel associated with the event identifier in response to user selection of the visual cue (i.e., in response to selection of icon 187, set-top box 52 tunes to the requested channel associated with the event and displays the tuned channel on television 58) (figure 13; Col. 14, lines 14-27).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Matthews to include the IP data including an event identifier associating the IP data with one of the plurality of television listings and

tuning to a channel associated with the event identifier in response to user selection of

the visual cue as taught by Knudson for the benefit of providing a program guide system

in which unique keys may be generated to facilitate the matching of real-time data

entries and the program listings with which they are associated (Knudson: Col. 1, lines

55-58).

    The combination of Matthews and Knudson disclose displaying television icon

187 to the viewer wherein the television icon 187 comprises an active status indicator

indicating a status of one or more currently available broadcast television programs,

however fail to disclose wherein the IP data comprises real-time event data relating to

an active status of one or more currently available broadcast television programs.

    In an analogous art, Boyer discloses receiving enhanced Internet protocol (IP)

data (i.e., real-time data from processing facilities 50 transmitted to clients over Internet

60), the IP data including an event identifier associating the IP data with one of the

plurality of television listings (i.e., transmission server 16 receives real-time data and

matches the received real-time data with a program listing for an event in progress),

wherein the IP data comprises real-time event data relating to an active status of one or

more currently available broadcast television programs currently available to a user (i.e.,

transmission server 16 receives real-time data such as the score in a basketball game

being played and is being televised, the current score of the game is embedded within

the row of text of the corresponding television program listing) (Col. 4, line 44 to Col. 5,

line 11; Col. 9, lines 4-13; & Col. 10, lines 1-10) and presenting a visual cue

(636/638/650 – fig. 9) to the user based on the real-time event data of the IP data on a

display device (Col. 9, lines 4-13 and Col. 9, line 55 to Col. 10, line 10). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Matthews and Knudson to include wherein the IP data comprises real-time event data relating to an active status of one or more currently available broadcast television programs as taught by Boyer for the benefit of providing real-time data about an event in progress from a web server to a user's multimedia system over an Internet communications link (Boyer: Col. 2, lines 13-17).

Matthews, Knudson, and Boyer are silent on disclosing wherein the visual cue comprises a real-time event alert informing the user of an action that is about to occur in one or more currently available broadcast television programs.

In an analogous art, De Saint Marc discloses wherein the visual cue (i.e., displayed icon) comprises a real-time event alert informing the user of an action that is about to occur in one or more currently available broadcast television programs (i.e., when a goal is about to occur in a match on another channel, an icon is displayed to the user, alerting the user of the event) (Col. 7, lines 6-39 & Col. 2, line 64 to Col. 3, line 15). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Matthews, Knudson, and Boyer to include wherein the visual cue comprises a real-time event alert informing the user of an action that is about to occur in one or more currently available broadcast television programs as taught by De Saint Marc for the benefit of providing an event message concerning a live event, the event message including information regarding the occurrence of an event on

another channel, to a viewer before the event occurs facilitating allowing the user to

change the channel before the event occurs (De Saint Marc: Col. 2, lines 6-37).

The combination of Matthews, Knudson, and De Saint Marc disclose receiving

enhanced IP data including an event identifier, however the combination fails to

specifically disclose wherein the enhanced IP data is an event-based Extensible Markup

Language representation.

In an analogous art, Schliesmann discloses a feed processing system 22

receiving data feeds 24 in an XML format (¶ 0026). Schliesmann further discloses event

to program mapping logic 26 generates text based messages or "customized markup

tags" describing events occurring within a program by meaning and not by layout and

transmits the created event message to CPE 30 (¶ 0037 and 0043). Schliesmann

discloses the known technique of transmitting content-based event data to a plurality of

client devices as XML representations for the purposes of notifying users of events

occurring within live programming, for example notifying the user that the Bears have

entered the red zone during the Bears vs. Packers game (¶ 0037). Therefore, it would

have been obvious to one of ordinary skill in the art at the time the invention was made

to modify Matthews, Knudson, Boyer, and De Saint Marc to include wherein the

enhanced IP data is an event-based Extensible Markup Language representation as

taught by Schliesmann for the benefit of applying a known technique to a known method

ready for improvement to yield predictable results of notifying users of specific content-

based events occurring on other programs (Schliesmann: ¶ 0005).

Conclusion

8.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to CHRIS PARRY whose telephone number is (571) 272-

8328. The examiner can normally be reached on Monday through Friday, 8:00 AM EST

to 4:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, JOHN MILLER can be reached on (571) 272-7353. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John W. Miller/   CHRIS PARRY
Supervisory Patent Examiner, Art Unit 2421   Examiner
                                                            Art Unit 2421

/C. P./
Examiner, Art Unit 2421